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SUBJECT: INSTRUCTION FOR ICTY/ICTR DEBATE

¶1. The Department instructs USUN to draw on the following points for use during the Security Council,s December 10 debate on the Completion Strategies for the International Criminal Tribunals for the Former Yugoslavia and Rwanda (ICTY and ICTR).

¶2. Begin Points:

The United States welcomes the assessments of the Prosecutors and Presidents from both Tribunals and their progress to date on Completion Strategy implementation. The United States notes with appreciation the efforts of Prosecutor Carla Del Ponte and her team, particularly Deputy Prosecutor David Tolbert, in forcefully championing accountability and effectively managing an efficient and successful Prosecutor,s office. The arrival of incoming Prosecutor Serge Brammertz will ensure that this tradition of excellence continues. We also applaud the judges as well as the hundreds of staff members who, on a daily basis, dedicate their energy and skills to the lasting success and legacy of both these Tribunals.

As the Tribunals move toward closure, they must maintain their current levels of efficiency. The United States is encouraged by the current pace of trials and by the determination of all Tribunal organs to complete trials as soon after 2008 as is feasible by expediting proceedings, as outlined in their assessments.

The work of the Tribunals in countering impunity will not be complete, however, without the resolution of the fate of the remaining fugitives and the consolidation of each Tribunal,s legacy.

Nearly twenty fugitives from the ICTY and the ICTR remain at-large. The United States calls on all States to fulfill their legal obligations to cooperate fully with the Tribunals.

For the ICTY, Serbia, in particular, must take further steps to fulfill its obligations, especially through the apprehension and transfer of all fugitives who may be on Serbian territory, including Ratko Mladic and Radovan Karadzic. We welcome the improved cooperation of Bosnia and Herzegovina,s federal and entity authorities with the ICTY. We are also encouraged by ongoing efforts of the governments of the Western Balkans to share information and evidence to further domestic prosecutions of war crimes cases. We call on these countries to enhance their cooperation in the future. As Prosecutor Del Ponte reports, regional cooperation remains crucial in apprehending and bringing to justice the remaining fugitives.

Concrete action is also needed from The Democratic Republic

of the Congo and Kenya to apprehend and transfer all ICTR fugitives within their borders. Evidence continues to mount that top fugitive and alleged genocide financier, Felicien Kabuga, remains in Kenya. As Security Council pressure mounts for the ICTR's successful completion, Kenya must fully cooperate with the ICTR in apprehending Kabuga.

The United States welcomes the November 9 Agreement between the Congolese and Rwandan governments for dismantling the ex-FAR/Interahamwe forces still active in the eastern DRC. We have every confidence that any ICTR fugitive captured during this campaign will be turned over for prosecution.

Mladic, Karadzic, Kabuga, and others are charged with horrific crimes and it is unthinkable that they would escape international justice. They must be immediately captured and prosecuted.

The United States commends the ongoing work of the Tribunals to ensure a lasting positive legacy. Their promotion of domestic capacity within the countries of the former Yugoslavia and Rwanda is central to this legacy. With four ICTR cases currently pending possible transfer to Rwanda, it is imperative that Rwanda's work to improve its judicial system be supported. An enduring legacy also requires that each Tribunal's residual issues be addressed meticulously and pragmatically. The United States will work diligently to ensure these efforts are successful.

We again thank the Presidents, Prosecutors, and Registrars for their service to the Tribunals, to justice and accountability, and to the people who gave rise and purpose to these institutions) the victims.

End Points
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